

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:12-CR-54-1FL

UNITED STATES OF AMERICA :
 :
 v. :
 :
 SCOTT F. HERRING :

PRELIMINARY ORDER OF FORFEITURE AS TO SUBSTITUTE ASSETS

WHEREAS, on unopposed motion by the Government, the following substitute assets are hereby forfeitable pursuant to 18 U.S.C. Section 981(a)(1)(c):

Substitute Assets

Real Property

- a) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, described as 1.22 acres of vacant land on Hood Swamp Road, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 1573, pages 763-764 of the Wayne County Register of Deeds. Being titled in the name of Scott F. Herring.
- b) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 178 Hood Swamp

Road, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 1573, pages 763-764 of the Wayne County Register of Deeds. Being titled in the name of Scott F. Herring.

- c) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 5058 Wayne Memorial Drive, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 1867, pages 323-324 of the Wayne County Register of Deeds. Being titled in the names of Scott F. Herring and wife, Andrea S. Herring.
- d) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 7 North Quail Croft Drive, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 2069, pages 563-565 of the Wayne County Register of Deeds. Being titled in the name of Scott Herring.
- e) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 100 Camden Park Drive, Goldsboro, Wayne County, North Carolina, and being

more particularly described in a deed recorded in Book 1689, pages 381-382 of the Wayne County Register of Deeds. Being titled in the names of Scott F. Herring and wife, Andrea J. Soto Herring.

- f) All that lot or parcel of land, together with its buildings, improvements, fixtures, attachments, and easements, having the street address of 177 Titlest Drive, Goldsboro, Wayne County, North Carolina, and being more particularly described in a deed recorded in Book 2385, pages 310-311 of the Wayne County Register of Deeds. Being titled in the name of Scott Forrest Herring.

The above substitute assets are forfeited in partial substitution for the forfeited but unavailable sum of \$2,600,000.00, said substitute assets value to be realized by the Government after the disposition of the substitute property.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that:

1. That based upon the Order and Judgment of Forfeiture as to the defendant, Scott F. Herring, the interest of the defendant in the identified substitute assets is herewith forfeited to the United States for disposition in accordance with the law.

2. That any and all forfeited funds shall be deposited by the United States Marshal Service as soon as located or recovered into the Department of Justice Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

3. Pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 7th day of ^{Mar}~~January~~, 2013.


LOUISE W. FLANAGAN
United States District Judge